

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

JUNE THAMES

PLAINTIFF

NO. 1:17CV00072-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

ORDER ON PETITION FOR ATTORNEY'S FEES

Before the court is Plaintiff's motion [18] for attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d).

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for a period of disability and disability insurance benefits. By Final Judgment [17] dated February 9, 2018, this court remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney's fees in the amount of \$5,792.50 for 33.1 hours of attorney time before this court at a rate of \$175.00 per hour on the grounds that she was the prevailing party and the Commissioner's position was not "substantially justified." In her response, Defendant states she does not object to the fee request but, nevertheless, asserts the award should be made payable to Plaintiff and sent to Plaintiff's counsel.

The court, having thoroughly considered the fee request, the record and the applicable law, finds that the fee request is reasonable and that no special circumstance would make the award unjust.

THEREFORE, IT IS ORDERED:

That the Commissioner shall promptly pay to Plaintiff a total of \$5,792.50 in attorney's fees for the benefit of counsel for Plaintiff.

This 11th day of April, 2018.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE